IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

RP.No. 534 of 2007
{IN M.F.A.NO.1519/1996 OF THIS COURT}
.....

REVISION PETITIONER/APPELLANT:

K.KRISHNANKUTTY NAIR, S/O.NEELKANTA PILLAI,MANNAM VILA PUTHE VEEDU, NEAR KULAKKUDIYOORKKONAM ELA, EPANIYOOR DESOM, NEMOM VILLAGE, NEMOM P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.M.RAMACHANDRAN NAIR

RESPONDENTS:

1. THE DISTRICT SUPERINTENDENT OF POLICE (RURAL),KOWDIAR,THIRUVANANTHAPURAM.

2. M.VIJAYAKUMAR, S/O.RAGHAVAN, PANTHPLAVILA VEEDU, VASHUTHOOR,NEYYATTINKARA.

3. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETRIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.SMITHA SUKUMAR

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

C.M.Application No.935 of 2007
& R.P.No. 534 OF 2007
in M.F.A.No.1519 of 1996

Dated this the 26th day of June, 2007.

O R D E R

The C.M. Application is filed seeking to condone the delay of 134 days in filing the application for review of the judgment confirming the award passed by a Motor Accidents Claims Tribunal.

2. Having regard to the questions raised, I have heard learned counsel for the petitioner on the merits of the review petition as well.

3. At the outset, it can be noticed that even if the grounds are to be considered, they are purely in the realm of appreciating the evidence as if I were to sit in appeal over the judgment I have rendered dismissing the M.F.A. This is plainly impermissible in a review petition. There are no errors apparent on the face of the record. No such ground has been pointed out to justify an application for review.

4. The tribunal had concluded that Ext.A5 disability certificate was issued by a doctor who had not treated the petitioner and that the said doctor had not stated in Ext.A5 that any prior documents were referred. The tribunal also noticed that the alleged injuries to the ribs, as stated in Ext.A5 certificate, are not worthy of

credence, since there is no mention in Ext.A5 as to which among the rib or which are the ribs which were fractured. Apparent contradictions were also seen between the entries in Ext.A5 as also Ext.A4 wound certificate. The tribunal had drawn its own conclusions, on the basis of the records, which were found by this court as just and reasonable. Hence, I do not find any ground or any error, even if I were to reconsider the materials.

In the result, the application for review and the C.M.Application for condonation of delay are dismissed.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN)
JUDGE

sk/

//true copy//

P.S. To Judge